

In the United States Patent and Trademark Office

In re Application of: **Dominic P. Behan and Derek T.**

Chalmers

Serial No.: 09/060,188

Filed: April 14, 1998

Art Unit: 1646

Examiner: Basi, N

**A Method of Identifying Modulators of Cell
Surface Membrane Receptors Useful in the
Treatment of Disease**

San Diego, CA

Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)
RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR § 1.121

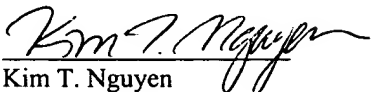
Dear Sir:

In response to the Restriction Requirement mailed on June 24, 1999, Applicant provisionally elects Group I, claims 1- 18, 33-34, 39-40 without traverse.

The Office required restriction between claims 1-18, 33-34, 39-40 (Group I), drawn to a method for identifying a candidate compound as an inverse agonist, partial agonist and an agonist to an orphan receptor, classified in class 435, subclass 7.1; and claims 19-32, 35-38, 41- 44 (Group II), drawn to compounds or pharmaceutical composition identified by the methods of claims 1-6, 14, 19, 20-25, 33-36, 39-42.

Date: October 14, 1999

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. A self-addressed, stamped post-card is also enclosed herewith.


Kim T. Nguyen

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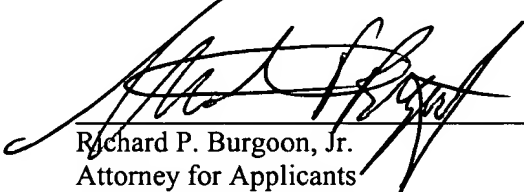
The Office indicated that a search of the art for the claims of Groups I and Group II would not be co-extensive with each other as shown by their different classifications, and thus would constitute a serious burden on the Examiner. Applicant deferentially accepts this position in making this election without traverse. Applicant is not, however, making a legal determination as to the Office restriction between Groups I and II.

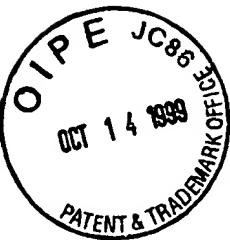
In addition, for convenience, Applicant respectfully calls attention to a Preliminary Amendment and a separate paper copy of the "Sequence Listing" required under 37 CFR §1.121, originally filed (as well as a computer readable form of the Sequence Listing), and received by the Office on June 29, 1998; a courtesy copy of these pages were subsequently filed and received by the Office on September 8, 1999. A Second Preliminary Amendment is also being filed simultaneously herewith.

Applicant respectfully requests a three-month extension and attach herewith is the appropriate fee under 37 CFR §1.17. If the Office requires any clarification or further information regarding the foregoing, the Officer is invited to contact the undersigned.

Respectfully submitted,

Date: October 14, 1999


Richard P. Burgoon, Jr.
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USPTO Reg. No. 34,787
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
In re Application of <u>Behan & Chalmers</u>		
Application Number <u>09/060,188</u>	Filed <u>4/14/98</u>	
For <u>A method for identifying modulators of cell surface membrane receptors...</u>		
Group Art Unit <u>1646</u>	Examiner <u>Basi, N.</u>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$ _____
<input checked="" type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$ <u>870.00</u>
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$ _____

☒ Applicant is a small entity under 37 CFR 1.9 and 1.27, therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 435.00.

A small entity statement under 37 CFR 1.27:

☐ is enclosed.

☒ has already been filed in this application.

☒ A check in the amount of the fee is enclosed.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____. I have enclosed a duplicate copy of this sheet.

I am the ☒ assignee of record of the entire interest.

☐ applicant.

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

10/14/99
Date

Richard P. Burgoon, Jr.
Signature
Typed or printed name

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